

# EXHIBIT 1

**From:** [Kaiser, Steven J.](#)  
**To:** [Vicky Sims](#)  
**Cc:** [Veronica Bosco](#); [Mark R. Suter](#); ["Mulqueen, Matt"](#); [Katie Van Dyck](#); ["Berkowitz, Nicole"](#)  
**Subject:** RE: Search Terms  
**Date:** Wednesday, May 5, 2021 3:30:15 PM

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Varsity accepts the below in terms of search terms and scope of 2012-2015. As to custodians, Varsity will do the four on condition that Plaintiffs limit any motion to compel to the two. We expect we would be able to be done with the additional four by August 15. We will endeavor to complete the additional documents for the other 14 by the end of June.

As to redactions, we provided language over the weekend that we understand resolves the issue, but please let us know if you disagree. (One clarification on that language – as I’m sure is obvious, but for the avoidance of doubt – privilege and work product redactions will be logged, etc., and are not part of the “relevance” redaction agreement.)

You also asked about Plaintiffs’ productions of documents. Other than what is said in the last paragraphs of this email, we believe the remaining issues with Plaintiffs’ productions are resolved, subject of course to Defendants’ receiving the promised documents.

Finally, for clarification, at various times you have mentioned a “reservation of rights” on various issues relating to document productions. As we have sought to make clear, the various concessions that Varsity has made since providing its responses to Plaintiffs’ document requests in November, to the extent accepted by Plaintiffs, have been with the understanding that the relevant issues are resolved. As such, Varsity understands that the issue of search terms, redactions, and scope of the responses to the various requests are resolved, leaving the two custodians and any other thing that we have actually discussed as to which Plaintiffs are not satisfied with Varsity’s responses to Plaintiffs’ document requests (and if there are such things, they will be identified in whatever Plaintiffs submit to the Court today), and the handful of things that Varsity is attempting to track down relating to the availability of certain information/documents.

That said, if something comes up in the documents or at depositions that leads to some specific and concrete issue that was not as of today reasonably knowable or known, the parties will of course discuss what might be appropriate in terms of targeted and specific approaches.

Thanks.

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**Steven J. Kaiser**  
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**From:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>  
**Sent:** Tuesday, May 4, 2021 9:35 PM

**To:** Kaiser, Steven J. <skaiser@cgsh.com>

**Cc:** Veronica Bosco <VBosco@labaton.com>; Mark R. Suter <msuter@bm.net>; 'Mulqueen, Matt' <mmulqueen@bakerdonelson.com>; Katie Van Dyck <kvandyck@cuneolaw.com>

**Subject:** RE: Search Terms

Steve,

In an attempt to try to bridge the gap on the time period, we are making one final attempt at a compromise proposal, attached. Please let us know whether the parties are in agreement.

With respect to custodians, Plaintiffs can accept Nangia, Carroll, Nichols and Kessler, but also need Parrish and Hill. If Varsity does not agree to add Parrish and Hill, Plaintiffs will move to compel on those custodians only, provided we have agreement on the other four Varsity previously offered.

Please also advise whether the parties have agreement on Plaintiffs' search term proposal, below.

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**From:** Vicky Sims

**Sent:** Saturday, May 1, 2021 8:44 AM

**To:** Kaiser, Steven J. <skaiser@cgsh.com>

**Cc:** Veronica Bosco <VBosco@labaton.com>; Mark R. Suter <msuter@bm.net>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Katie Van Dyck <kvandyck@cuneolaw.com>

**Subject:** RE: Search Terms

Thank you, Steve.

We are amenable to accepting the below terms and reserving our rights on the rest, provided Varsity agrees to add the additional terms below and that we also reach agreement on the Plaintiffs' search terms. Attached, for your convenience is a redline of our prior proposal.

**Plaintiffs' Proposed Edits to Previous Search Terms**

market w/5 share

(increase\*) w/2 price

(stay w/3 play) or (stay\*play) or STP

**Plaintiffs' Proposed Edits to Disputed Search Terms Listed in Varsity 3/19 Appendix A**

(barrier\*) w/5 (entry or market)

(board or BOD) w/3 (present\* or material\* or minutes or script or slides)

(Charlesbank or Bain) w/20 (present\* or slides or diligence or analy\*)

**Plaintiffs' Proposed Additional Search Terms**

"network agreement"

"family plan" or FP or VFP

IEP or "independent event producer"

acquisition or acquire

("confidential info\*" w/ 2 (memo\* or presentation)) or CIM or CIP

("USASF board" w/5 "Varsity")

EOS or "end of season"

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**From:** Kaiser, Steven J. <[skaiser@cgsh.com](mailto:skaiser@cgsh.com)>

**Sent:** Friday, April 30, 2021 4:50 PM

**To:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>

**Cc:** Veronica Bosco <[VBosco@labaton.com](mailto:VBosco@labaton.com)>; Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Mulqueen, Matt <[mmulqueen@bakerdonelson.com](mailto:mmulqueen@bakerdonelson.com)>

**Subject:** Search Terms

Vicky, by our reckoning, this is the list of additional terms that Plaintiffs proposed in your letter of January 6. If you see things differently, let us know.

|                                   |
|-----------------------------------|
| "Athletic Championships"          |
| "B league"                        |
| "Clayton Act"                     |
| "Connections Housing"             |
| "cross marketing"                 |
| "Federal Trade Commission"        |
| "market share"                    |
| "National Spirit Group"           |
| "Nfinity"                         |
| "Rebel"                           |
| "Sherman Act"                     |
| "Spirit Holding"                  |
| "Stay Smart"                      |
| "Team Placement Program"          |
| "Team Travel Source"              |
| "Tournament Housing Services"     |
| "V ROC"                           |
| ("overcharge" or high*) w/2 price |
|                                   |

((must or require\* or obligat\* or need\* or commit\* or responsib\*) w/10 (stay or reserv\* or book)) and (hotel or room or accomodat\* or facility or center or resort)

(barrier or obstacle or restraint or restrict\* or limit\* or curb\* or check\* or block or constrain\* or control\* or dominat\* or reduc\* or decrease or lead or prefer\* or exclus\* or exclude\* or loyal\* or pressure or aggressiv\* or prevent\* or impair or stop\* or hinder\*) w/5 (client or customer or gym\* or athlete or spectator or fan or supporter or booth or promot\* or showcase)

(barrier or obstacle or restraint or restrict\* or limit\* or curb\* or check\* or block or constrain\* or control\* or dominat\* or reduc\* or decrease or lead or prefer\* or exclus\* or exclude\* or loyal\* or pressure or aggressiv\* or prevent\* or impair or stop\* or hinder\*) w/5 (entry or market or industry or competition or cheer\* or apparel or uniform or merch\*)

(board or BOD) w/3 (book or meeting or present\* or packet or deck or material\* or minutes or script or slides)

(business or market\* or revenue or sales or profit\* or earnings or "net income" or annual\* or quarter\* or month\* or week\* or insurance) w/3 (model or plan or target or objective or goal or focus or strateg\* or scheme or grow\* or grew)

(Charlesbank or Bain) w/20 (own\* or stock or equity or control\* or interest or board or seat or purchase or negotiat\* or bid\* or offer\* or sell or sale or pric\* or "due diligence" or probe or inquir\* or investigat\* or analy\*)

(entry or attend\* or registration or dues or competition or event or show\* or apparel or uniform or merch\* or brand or source or music\* or education or camp\* or clinic\* or video or photography or pictures or hotel or bid\* or scorebook or booth or insurance or K&K or grow\* or grew) w/5 (revenue or sales or profit\* or earnings or "net income" or annual\* or quarter\* or month\* or week\* or market\* or forecast or outlook or budget\*)

(entry or attend\* or registration or dues or competition or event or show\* or apparel or uniform or merch\* or brand or source or music\* or education or camp\* or clinic\* or video\* or photography or pictures or hotel or bid\* or scorebook or grow\* or grew) w/5 (cost or charge or fee or expense or expenditure or rate or pay\*)

(obstruct\* or thwart or lock\* or close\* or penalty or fee or hook\* or leverag\* or concentrate or fix\* or dues or prefer\* or punish\* or reject\* or breach\* or break\* or \*compliance or comply or insurance or K&K) w/10 (client or customer or gym\* or athlete or spectator or fan or supporter or booth or promot\* or showcase)

(obstruct\* or thwart or lock\* or close\* or penalty or fee or hook\* or leverag\* or concentrate or fix\* or prefer\* or punish\* or reject\*

|  |
|--|
| or breach* or break* or *compliance or comply) w/10 (entry or market or industry or competition or cheer* or apparel or uniform or merch*)   |
| (partner* or affiliat* or cooperat* or collaborat* or combin* or consort* or alliance or reciproc* or unite* or join* or venture) w/10 (compet* or hotel or video* or photography or pictures or apparel or uniform or manufact* or insurance or K&K)  |
| (rebate or refund or discount or reduc* or allow* or return or pric* or free or subsid*) w/10 (negotiate* or offer or deal or attend* or participat* or compet* or threshold or level or invitat* or maximum or minimum or insurance or K&K)   |
| (scor* or judg* or evaluat* or assess*) w/5 (rule* or guideline or polic* or process* or procedure or instruct* or practice* or submi* or comput* or calculat* or total* or formula* or limit* or bid* or location or geograph* or market* or sheet or book or catagor* or card or certif* or credential* or authorit* or permit* or varsity or sanction* or trademark or copyright) |
| *competitive   |
| anti*trust   |
| antitrust  |
| assault*   |
| back w/2 scratch   |
| background w/2 check   |
| backscratch*   |
| Briefs   |
| cartel   |
| Cheersport   |
| collu*   |
| conspir*   |
| cross*market*  |
| design   |
| Epic   |
| FTC  |
| harass*  |
| JAM  |
| kickback or (kick*back)  |
| merger   |
| monopol*   |
| pure w/10 choreography   |

|  |
|--|
| Quest  |
| sex* w/10 (*conduct or crim* or offen* or investigat* or inquir* or inspect* or report* or probe* or evaluat* or complaint or issue or polic* or litigat* or case or alleg* or *legal* or insurance) |
| stay w/3 play  |
| strength* w/5 weakness*  |
| SWOT   |

In our letter of March 19, we offered a compromise (which Plaintiffs rejected) of doing all but the ones identified in yellow because of burden/lack of responsiveness and green because they were directed to topics as to which the parties have agreed to table.

We can see if Varsity is still willing to go forward on that basis if that would resolve the search term discussion in respect of 2015-2020 documents. To be sure, doing so would require a significant and we suspect almost entirely (if not entirely) pointless deployment of resources, even as to these terms. Please let us know. Thanks.

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**Steven J. Kaiser**

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